

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

5:06CV64-3-V

5:03CR37-08-V

TONI G. JONES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER comes before the Court upon the Petitioner's "Motion for Documents" (Document No. 10) filed September 28, 2006.

By her Motion for Documents, Petitioner seeks to have the Court provide her with a free copy of her sentencing transcript which the Court presumes is related to Petitioner's pending Motion to Vacate. However, in order to obtain free copies of the subject transcript, a petitioner must show indigence; and that the transcripts "are needed to decide the issue presented by the suit . . . " 28 U.S.C. § 753(f). Indeed, a prisoner is not entitled to a free transcripts without a showing of need, merely to comb the record in hopes of discovering some flaw. United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963). Petitioner has not tied her request to any specific claims nor has Petitioner established indigence. Accordingly, Petitioner's Motion for Documents is DENIED.

Moreover, the Government filed a Motion to Dismiss on August 28, 2006. On August 30, 2006 this Court sent Petitioner an Order directing her to respond to the Government's Motion to Dismiss within thirty (30) days from the date of the Order (Document No. 8.) Petitioner did not file

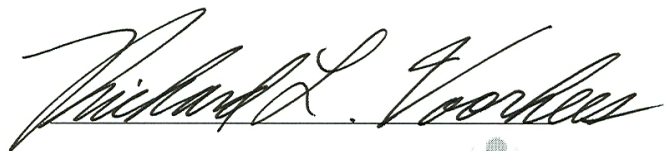
a response to the Government's Motion to Dismiss. Petitioner also did not file a change of address with the Court, however, on October 3, 2006 the Court's Order was returned to the Court as undeliverable. Through correspondence that Petitioner recently sent to this Court, the Court became aware that Petitioner is currently being housed at the Iredell County Jail and sent Petitioner a copy of this Court's August 30, 2006 on October 10, 2006. Petitioner now has thirty (30) days from October 10, 2006 in which to file a response to the Government's Motion to Dismiss. As stated in the Court's prior Order, **FAILURE TO RESPOND WITHIN THIS TIME MAY SUBJECT THIS ACTION TO DISMISSAL**. Furthermore, Petitioner is responsible for officially notifying the Clerk of Court that her address has changed.

NOW, THEREFORE, IT IS HEREBY ORDERED;

- 1) That Petitioner's "Motion for Documents" (Document No. 10) is DENIED and
- 2) That Petitioner has thirty (30) days from October 10, 2006 in which to file a response to the Government's Motion to Dismiss.

SO ORDERED.

Signed: October 11, 2006



Richard L. Voorhees
United States District Judge

